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OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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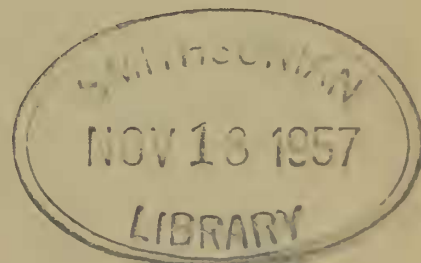
FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 480

Suppression under the Plenary Powers of the specific and subspecific names of birds published in the so-called "Horniman Pamphlet" dated "1940" and matters incidental thereto



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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 480

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OPINION 480

SUPPRESSION UNDER THE PLENARY POWERS OF THE SPECIFIC AND SUBSPECIFIC NAMES OF BIRDS PUBLISHED IN THE SO-CALLED "HORNIMAN PAMPHLET" DATED "1940" AND MATTERS INCIDENTAL THERETO

RULING :—(1) Under the Plenary Powers the specific names (including subspecific names) published in the so-called "Horniman Pamphlet" (i.e. the pamphlet entitled "Preliminary Descriptions of some New Birds" bearing the signature R. B. Horniman and the date "January 1940") are hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned specific (including subspecific) names are hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Numbers severally specified below :—

(a) the under-mentioned names published in the so-called "Horniman Pamphlet" as suppressed under the Plenary Powers in (1) above for the purposes of the Law of Priority) :—

- (i) *kasai* Horniman, 1940, as published in the combination *Halcyon leucocephala kasai* (Name No. 435) ;
- (ii) *whitei* Horniman, 1940, as published in the combination *Protodiscus whitei* (Name No. 436) ;
- (iii) *mwinilunga* Horniman, 1940, as published in the combination *Cossypha heuglini mwinilunga* (Name No. 437) ;

- (iv) *hebridium* Horniman, 1940, as published in the combination *Erithacus rubecula hebridium* (Name No. 438) ;
 - (v) *limes* Horniman, 1940, as published in the combination *Pycnonotus tricolor limes* (Name No. 439) ;
 - (vi) *hebridensis* Horniman, 1940, as published in the combination *Alauda arvensis hebridensis* (Name No. 440) ;
 - (vii) *callewaerti* Horniman, 1940, as published in the combination *Tchagra senegala callewaerti* (Name No. 441) ;
 - (viii) *skyensis* Horniman, 1940, as published in the combination *Troglodytes troglodytes skyensis* (Name No. 442) ;
 - (ix) *scotica* Horniman, 1940, as published in the combination *Certhia familiaris scotica* (Name No. 443) ;
 - (x) *hebridium* Horniman, 1940, as published in the combination *Emberiza calandra hebridium* (Name No. 444) ;
 - (xi) *intensus* Horniman, 1940, as published in the combination *Serinus mozambicus intensus* (Name No. 445) ;
 - (xii) *pygmaea* Horniman, 1940, as published in the combination *Anthoscopus pygmaea* (Name No. 446) ;
 - (xiii) *anonymus* Horniman, 1940, as published in the combination *Pogoniulus chrysocomus anonymus* (Name No. 447) ;
 - (xiv) *longipenne* Horniman, 1940, as published in the combination *Tricholaema melanocephalus longipenne* (Name No. 448) ;
- (b) *kasai* Grant, 1956, as published in the combination *Halcyon leucocephala kasai* (a junior homonym

of *kasai* Horniman, 1940, as published in the combination *Halcyon leucocephala kasai*) (Name No. 449) ;

- (c) *whitei* Grant, 1956, as published in the combination *Protodiscus whitei* (a junior homonym of *whitei* Horniman, 1940, as published in the combination *Protodiscus whitei*) (Name No. 450) ;
- (d) *mwinilunga* Grant, 1956, as published in the combination *Cossypha heuglini mwinilunga* (a junior homonym of *mwinilunga* Horniman, 1940, as published in the combination *Cossypha heuglini mwinilunga*) (Name No. 451) ;
- (e) *hebridium* Grant, 1956, as published in the combination *Erithacus rubecula hebridium* (a junior homonym of *hebridium* Horniman, 1940, as published in the combination *Erithacus rubecula hebridium*) (Name No. 452) ;
- (f) *limes* Grant, 1956, as published in the combination *Pycnonotus tricolor limes* (a junior homonym of *limes* Horniman, 1940, as published in the combination *Pycnonotus tricolor limes*) (Name No. 453) ;
- (g) *hebridensis* Grant, 1956, as published in the combination *Alauda arvensis hebridensis* (a junior homonym of *hebridensis* Horniman, 1940, as published in the combination *Alauda arvensis hebridensis*) (Name No. 454) ;
- (h) *callewaerti* Grant, 1956, as published in the combination *Tchagra senegala callewaerti* (a junior homonym of *callewaerti* Horniman, 1940, as published in the combination *Tchagra senegala callewaerti*) (Name No. 455) ;
- (i) *skyensis* Grant, 1956, as published in the combination *Troglodytes troglodytes skyensis* (a junior

homonym of *skyensis* Horniman, 1940, as published in the combination *Troglodytes troglodytes skyensis*) (Name No. 456) ;

(j) *scotica* Grant, 1956, as published in the combination *Certhia familiaris scotica* (a junior homonym of *scotica* Horniman, 1940, as published in the combination *Certhia familiaris scotica*) (Name No. 457) ;

(k) *hebridium* Grant, 1956, as published in the combination *Emberiza calandra hebridium* (a junior homonym of *hebridium* Horniman, 1940, as published in the combination *Emberiza calandra hebridium*) (Name No. 458) ;

(l) *intensus* Grant, 1956, as published in the combination *Serinus mozambicus* (a junior homonym of *intensus* Horniman, 1940, as published in the combination *Serinus mozambicus*) (Name No. 459) ;

(m) *pygmaea* Grant, 1956, as published in the combination *Anthoscopus pygmaea* (a junior homonym of *pygmaea* Horniman, 1940, as published in the combination *Anthoscopus pygmaea*) (Name No. 460) ;

(n) *anonymus* Grant, 1956, as published in the combination *Pogoniulus chrysocomus anonymus* (a junior homonym of *anonymus* Horniman, 1940, as published in the combination *Pogoniulus chrysocomus anonymus*) (Name No. 461) ;

(o) *longipenne* Grant, 1956, as published in the combination *Tricholaema melanocephalus longipenne* (a junior homonym of *longipenne* Horniman, 1940, as published in the combination *Tricholaema melanocephalus longipenne*) (Name No. 462).

I. THE STATEMENT OF THE CASE

On 21st November 1953 Dr. Charles Vaurie (*The American Museum of Natural History, New York*) addressed a letter to the Office of the Commission drawing attention to a pamphlet entitled "Preliminary Descriptions of some New Birds" by a Mr. R. B. Horniman and bearing the date "January 1940" (the so-called "Horniman Pamphlet"), the names in which should, he considered, be made unavailable by the International Commission. This led to the submission to the Commission on 24th October 1955 of the following application in which Dr. Vaurie asked that the Commission should use its Plenary Powers to suppress the new names in the above pamphlet for nomenclatorial purposes :—

Proposed suppression for nomenclatorial purposes under the Plenary Powers of a pamphlet by R. B. Horniman entitled "Preliminary Descriptions of Some New Birds" and bearing the date "January 1940"

By CHARLES VAURIE

(*The American Museum of Natural History, New York*)

The purpose of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers to suppress for nomenclatorial purposes a four-page pamphlet by R. B. Horniman entitled "Preliminary Descriptions of some New Birds" and bearing the date "January 1940". The facts of this case are set out below. This matter is one of some urgency from my point of view since I am at present engaged in the preparation of a Checklist of the birds of the Palaearctic Region in which it would be necessary to take account of certain of the new names in this pamphlet if it were to be accepted as being available for nomenclatorial purposes.

2. This pamphlet is excessively rare. So far as I have been able to trace, there is only one copy of it in the United States and this copy is in private hands, while in Europe the only copy known to me is one in the library of the British Museum (Natural History). Further, this pamphlet has not been noticed in the *Zoological Record* or in other literature-recording serials known to me. In these circumstances it appears to Dr. James P. Chapin with whom I have discussed this matter and to myself that there is a strong presumption that this pamphlet was never duly "published" within the meaning of Article 25 of the *Règles* and therefore that the new names in it possess no status in

zoological nomenclature. Unfortunately, this seems to be a matter on which it is improbable that definite evidence will be forthcoming, for it has proved impossible to communicate with Mr. Horniman, the sole source from which authoritative evidence might have been obtained and it is not known even whether he is still alive. Some of the birds described in this pamphlet were stated by Horniman to be in the collection of Mr. C. M. N. White, but White also has been unable to throw any light on the question whether this pamphlet was duly "published".

3. Names and descriptions of fourteen allegedly new birds are given in this pamphlet. The provenance of these birds is as follows: (1) Belgian Congo (various localities), four names; (2) Mwinilunga, Northern Rhodesia, four names; (3) Kenya-Abyssinian border, one name; (4) Scotland, five names (North Uist, Outer Hebrides, two names; Skye, Inner Hebrides, two names; Argyllshire, one name).

4. So far as I have been able to ascertain, all these names have been ignored by later workers. For example, the five names for British birds were ignored by the British Ornithologists' Union in its *Checklist of the Birds of Great Britain and Ireland* published in 1952, although at the time the Union was aware of the existence of Horniman's pamphlet. Similarly in his work *The Birds of the Belgian Congo* Chapin has ignored the four names given to Congo birds.

5. I am entirely in favour of the rejection of the new names included in this pamphlet but I consider that, in order to prevent any subsequent argument on this subject, this should be done not by leaving these names out of account but by obtaining a definite Ruling from the Commission rejecting this pamphlet for nomenclatorial purposes. There are two means by which this result could be secured. First, the Commission, if it so thought fit, could give a Ruling that this pamphlet was not duly "published" within the meaning of the *Règles*. Second, without entering into this question, it might suppress this pamphlet for nomenclatorial purposes under its Plenary Powers. Although I think it virtually certain that this pamphlet was never "published" and therefore that the names in it possess no status of availability, I do not feel that this has been definitely established, despite the efforts which have been made to obtain information on this subject. I conclude therefore that the best course is that the Commission should be asked to use its Plenary Powers to suppress this pamphlet for nomenclatorial purposes, having regard to the fact (1) that it is highly probable that it was never duly "published", (2) that it is so excessively rare that, if it were to be accepted, very few ornithologists would ever be able to see it, (3) that the new names in this pamphlet have been consistently ignored by later authors, and (4) that unnecessary name-changing would result if this pamphlet were to be accepted as from January 1940, the date printed on it.

6. The International Commission on Zoological Nomenclature is accordingly asked :—

- (1) to use its Plenary Powers to suppress for nomenclatorial purposes the 4-page pamphlet by R. B. Horniman entitled “ Preliminary Descriptions of some New Birds ” and bearing the date “ January 1940 ” ;
- (2) to place the title of the pamphlet specified in (1) above, as there proposed to be suppressed under the Plenary Powers, on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* ;
- (3) to place the under-mentioned specific names included in the above pamphlet on the pages severally specified below on the *Official Index of Rejected and Invalid Specific Names in Zoology* as being names possessing no status either under the Law of Priority or under the Law of Homonymy :—
 - (a) *kasai* Horniman, 1940, as printed in the combination *Halcyon leucocephala kasai* (: 1) ;
 - (b) *whitei* Horniman, 1940, as printed in the combination *Prodotiscus whitei* (: 1) ;
 - (c) *mwinihunga* Horniman, 1940, as printed in the combination *Cossypha heuglini mwinihunga* (: 2) ;
 - (d) *hebridium* Horniman, 1940, as printed in the combination *Erithacus rubecula hebridium* (: 2) ;
 - (e) *limes* Horniman, 1940, as printed in the combination *Pycnonotus tricolor limes* (: 2) ;
 - (f) *hebridensis* Horniman, 1940, as printed in the combination *Alauda arvensis hebridensis* (: 2) ;
 - (g) *callewaerti* Horniman, 1940, as printed in the combination *Tchagra senegala callewaerti* (: 3) ;
 - (h) *skyensis* Horniman, 1940, as printed in the combination *Troglodytes troglodytes skyensis* (: 3) ;
 - (i) *scotica* Horniman, 1940, as printed in the combination *Certhia familiaris scotica* (: 3) ;
 - (j) *hebridium* Horniman, 1940, as printed in the combination *Emberiza calandra hebridium* (: 3) ;
 - (k) *intensus* Horniman, 1940, as printed in the combination *Serinus mozambicus intensus* (: 4) ;

- (l) *pygmaea* Horniman, 1940, as printed in the combination *Anthoscopus pygmaea* (: 4) ;
- (m) *anonymus* Horniman, 1940, as printed in the combination *Pogoniulus chrysoconus anonymus* (: 4) ;
- (n) *longipenne* Horniman, 1940, as printed in the combination *Tricholaema melanocephalum longipenne* (: 4).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Vaurie's preliminary communication the question of the possible use by the International Commission of its Plenary Powers to suppress the new names in the so-called "Horniman Pamphlet" was allotted the Registered Number Z.N.(S.) 782.

3. Publication of the present application : The present application was sent to the printer on 30th November 1955 and was published on 9th May 1956 in Part 11 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Vaurie, 1956, *Bull. zool. Nomencl.* **11** : 344—346).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 9th May 1956 (a) in Part 11 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Vaurie's application was published), and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications. In view of the unusual character of the present case, copies of the Public Notice referred to above were communicated also to thirteen ornithological

publications and institutions to which corresponding Notices had been sent in October 1952 in connection with the problem relating to the generic name *Colymbus* Linnaeus, 1758, another case of exceptional interest to specialists in ornithology. The countries to which the present Notice was sent are the following : Australia ; Belgium ; Denmark ; France (2) ; Germany (2) ; Netherlands ; Union of South Africa ; United Kingdom ; United States of America (3).

5. Comments received during the Prescribed Waiting Period following the publication of the present application in the " Bulletin of Zoological Nomenclature " : The publication of the present application and the issue of Public Notices in regard elicited considerable interest among ornithologists, no less than thirteen specialists submitting comments on it to the Office of the Commission. In addition, one specialist had communicated a note on this subject before publication actually took place. Of the fourteen specialists concerned, twelve (12) supported the action recommended by Dr. Vaurie, one (1) expressed opposition to it, and one (1) put forward certain criticisms. The countries from which comments from specialists were so received and the number of comments received from specialists in each country were as follows : Belgium, one (1) ; France, one (1) ; Germany, three (3) ; The Netherlands, one (1) ; Northern Rhodesia, one (1) ; United Kingdom, two (2) ; U.S.A., four (4) ; U.S.S.R., one (1). The communications so received are reproduced in the immediately following paragraphs.

6. Support received from Dean Amadon (The American Museum of Natural History, New York, U.S.A.) : On 18th October 1955 Dr. Dean Amadon (*The American Museum of Natural History, New York, U.S.A.*) addressed the following letter of support to the Office of the Commission (Amadon, 1956, *Bull. zool. Nomencl.* **11** : 352) :—

Dr. Charles Vaurie has shown me an application he has made to the International Commission to have the names published in an obscure pamphlet by R. B. Horniman declared unavailable. I am thoroughly in accord with this proposal. Apparently this pamphlet was prepared and issued by Horniman in an irregular way and,

extremely few copies of it were ever distributed. The only one in this country is perhaps the one we have here, which is the property of Dr. James P. Chapin. Chapin, who is now in Africa, never used or mentioned any of Horniman's names, and I am confident that he would be entirely in favour of any action to have the names in this pamphlet declared officially unavailable.

7. Support received from R. A. Paynter, Jr. (Museum of Comparative Zoology at Harvard College, U.S.A.): On 3rd October 1956 Dr. R. A. Paynter, Jr. (*Museum of Comparative Zoology at Harvard College, U.S.A.*) addressed the following letter of support to the Office of the Commission (Paynter, 1956, *Bull. zool. Nomencl.* **12** : 309) :—

I wish to record that I am in favour of suppressing for nomenclatorial purposes, under the Plenary Powers of the International Commission on Zoological Nomenclature, the pamphlet by R. B. Horniman, entitled "Preliminary Descriptions of some New Birds", as outlined by Dr. Charles Vaurie in the *Bulletin of Zoological Nomenclature*.

8. Support received from Alden H. Miller (University of California, U.S.A.): On 5th October 1956 Professor Alden H. Miller (*University of California, U.S.A.*) addressed the following letter of support to the Office of the Commission (Miller, 1956, *Bull. zool. Nomencl.* **12** : 309) :—

At the request of Charles Vaurie I have examined his proposal in the *Bulletin of Zoological Nomenclature*. I find myself in favour of avoiding the use of the names in the pamphlet by Horniman, but I would prefer that this be done by ruling that the item has not been "published" in a technical sense. I see no real reason for going beyond and setting aside the names otherwise.

9. Support received from H. E. Wolters (Aachen, Germany): On 12th October 1956 Dr. H. E. Wolters (*Aachen, Germany*) addressed the following letter of support to the Office of the Commission (Wolters, 1956, *Bull. zool. Nomencl.* **12** : 309) :—

While I cannot do anything to solve the question whether or not Horniman's paper has been duly published under the rules, having

not seen a copy myself, I think that it is highly desirable that Horniman's names be suppressed, not because they have been ignored by later authors, an argument that would hold good in the case of newly found old names only, but because the pamphlet is so rare that it can be seen by hardly any ornithologist, which would create an everlasting source of trouble in defining the exact meaning of Horniman's names, especially as the new subspecies and species described by the author are of doubtful validity. Therefore I am prepared to support Dr. Vaurie's view that Horniman's names should be suppressed.

10. Support received from G. Niethammer (Bonn, W. Germany) :

On 12th October 1956 Dr. G. Niethammer (*Bonn, W. Germany*) addressed the following letter of support to the Office of the Commission (Niethammer, 1956, *Bull. zool. Nomencl.* **12** : 309) :—

I have read the paper of Charles Vaurie published in the *Bulletin of Zoological Nomenclature*, and I should like to tell you that I agree with the proposal of Mr. Vaurie as given in his paper No. 6.

11. Support received from Guy Mountfort (Hon. Sec., British Ornithologists' Union, London) :

On 12th October 1956 Mr. Guy Mountfort (*Hon. Sec., British Ornithologists' Union, London*) addressed the following letter of support to the Office of the Commission (Mountfort, 1956, *Bull. zool. Nomencl.* **12** : 310) :—

I strongly support Dr. Vaurie's views on the Horniman pamphlet, as set out in the *Bulletin of Zoological Nomenclature*.

I feel that the best course would be for the Commission to use its Plenary Powers to suppress the Horniman pamphlet for nomenclatorial purposes, and that this might be a more desirable solution than to declare the pamphlet not to have been "published", in view of the lack of information concerning its author's whereabouts. Not to take action in this matter would be to perpetuate an embarrassing situation which is bound to cause confusion.

12. Support received from R. Verheyen (Institut Royal des Sciences Naturelles de Belgique, Bruxelles) : On 12th October 1956 Dr. R. Verheyen (*Institut Royal des Sciences Naturelles de Belgique, Bruxelles*) addressed the following letter of support to

the Office of the Commission (Verheyen, 1956, *Bull. zool. Nomencl.* **12** : 310) :—

Par l'intermédiaire de notre Collègue M. Charles Vaurie je viens de recevoir "the proposed suppression for nomenclatorial purposes Horniman's pamphlet : 'Preliminary Descriptions of some New Birds'".

Je ne reconnais la publication de Horniman ni de nom ni de fait, étant donné que l'auteur a négligé de veiller à la bonne divulgation de son pamphlet. Je me rallie donc la proposition de supprimer.

13. Support received from R. E. Moreau (British Ornithologists' Union, London) : On 17th October 1956 Mr. R. E. Moreau (*British Ornithologists' Union, London*) addressed the following letter of support to the Office of the Commission (Moreau, 1956, *Bull. zool. Nomencl.* **12** : 310) :—

I am entirely in favour of the suppression of the Horniman pamphlet for nomenclatorial purposes under the Plenary Powers.

14. Support received from E. Stresemann (Berlin) : On 19th October 1957 Professor E. Stresemann (*Berlin*) addressed the following letter of support to the Office of the Commission (Stresemann, 1956, *Bull. zool. Nomencl.* **12** : 310) :—

I wish to state that I am in favour of Dr. Ch. Vaurie's proposal referring to R. B. Horniman's "Preliminary Description . . . 1940", as expressed in the *Bull. zool. Nomencl.*

15. Support received from J. Dorst (Muséum National d'Histoire Naturelle, Paris) : On 20th October 1956 Dr. J. Dorst (*Muséum National d'Histoire Naturelle, Paris*) addressed the following letter of support to the Office of the Commission (Dorst, 1956, *Bull. zool. Nomencl.* **13** : 310) :—

Je viens de recevoir une lettre du Dr. Ch. Vaurie, New York ainsi qu'un tiré à part d'une note parue dans le *Bull. zool. Nomencl.* concernant un écrit de R. B. Horniman.

Il me semble évident que si cet écrit est considéré comme valide au point de vue nomenclature, il entraînerait des changements regrettables, et sans signification pour la systématique vraie. Vous connaissez mon point de vue sur la nécessité d'une nomenclature aussi stable que possible. Aussi je crois qu'il importe que la Commission de Nomenclature zoologique adopte les conclusions du Dr. Vaurie, qui me semblent judicieuses.

16. Support received from K. H. Voous (Zoologisch Museum, Amsterdam) : On 23rd October 1956 Professor K. H. Voous (*Zoologisch Museum, Amsterdam*) addressed the following letter of support to the Office of the Commission (Voous, 1956, *Bull. zool. Nomencl.* **12** : 311) :—

With reference to the communication by Dr. Charles Vaurie, "Proposed suppression for nomenclatorial purposes under the Plenary Powers of a pamphlet by R. B. Horniman entitled 'Preliminary Descriptions of some New Birds' and bearing the date 'January 1940'" in the *Bulletin of Zoological Nomenclature*, I take pleasure in informing you that for the sake of stability in ornithological nomenclature I am supporting the three propositions made by Dr. Vaurie to the International Commission on Zoological Nomenclature on this subject. I much regret that it has apparently not been possible to take up contact with the author, Mr. R. B. Horniman, since it is a very unusual case to suppress so recent a paper without any comment by the author himself or about the scientific standing and activities of the author.

17. Support received from C. W. Benson (Kasama, Northern Rhodesia) : On 12th November 1956 Mr. C. W. Benson (*Kasama, Northern Rhodesia*) addressed the following letter of support to the Office of the Commission :—

I have received from Dr. Vaurie a copy of his proposals for the suppression for nomenclatorial purposes of a pamphlet by R. B. Horniman. I strongly support these proposals. I am interested in view of the fact that the provenance of four of these allegedly new forms is Mwinilunga, Northern Rhodesia. I am at present engaged in the compilation of a new check list of the birds of Northern Rhodesia, in collaboration with Mr. C. M. N. White. I was unaware of the existence of these names before receiving a copy of Dr. Vaurie's proposals.

18. Objection received from L. A. Portenko (Leningrad, U.S.S.R.) : On 29th November 1956 Professor L. A. Portenko (*Leningrad, U.S.S.R.*) addressed the following objection to the Office of the Commission :—

In my opinion it is necessary to decide that Horniman's pamphlet was duly published. The four reasons given by Dr. Vaurie for rejecting the pamphlet on the grounds that it was never duly published, that it is very rare, that new names in this pamphlet have been consistently ignored and that unnecessary name-changing would result, seem unconvincing to me. Hence I see no cause for asking the International Commission to suppress Horniman's pamphlet for nomenclatorial purposes.

19. Certain criticisms of Dr. Vaurie's application received from Alexander Wetmore (United States National Museum, Washington, D.C., U.S.A.) : On 12th November 1956 Dr. Alexander Wetmore (*United States National Museum, Washington, D.C., U.S.A.*) addressed the following letter to the Office of the Commission, in which he offered certain criticisms of the application in regard to the present case submitted by Dr. Vaurie in 1955 :—

Dr. Charles Vaurie has asked me to comment on the proposed suppression under Plenary Powers of a paper by R. B. Horniman, entitled "Preliminary Descriptions of some New Birds", published in January 1940.

I have told Dr. Vaurie that the pamphlet concerned is not as rare as he has believed. We have a copy in the Library of the Division of Birds, United States National Museum, that was received here under date of April 18, 1940, and I have seen others, although I have paid them so little attention that I do not now recall the source. The names proposed by Horniman have long been entered in the card catalogue that we maintain in the Division of Birds. I am aware also of the notice of the paper in the *Ibis*, 1940, p. 578, and from time to time have heard mention of it in discussion with colleagues.

It would seem that the publication has been more widely available than is indicated in the submission of the case to the Commission. There has been some irritation expressed in discussions that have

come to my attention, but frankly I have seen no reason personally why the names should not be considered valid, though I have never had occasion to use any of them personally since they lie in areas outside of those in which I have been occupied.

Consideration of suppression as requested would appear to hinge on ethics, always a difficult matter to evaluate because of the personal factors involved. Most of us who work in the field of taxonomy have had irritating experiences in competitive publication, but such feeling does not change the fact of the availability of a prior name. It seems to me that the Commission would do well to weigh the facts in the present case carefully and to base decision on these facts rather than on some personal grievance or other expediency.

20. Issue of a Voting Paper in November 1956 : On 30th November 1956 there was issued a Voting Paper (V.P.(56)45), in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the pamphlet by R. B. Horniman entitled "Preliminary Descriptions of some New Birds" dated "January 1940" as set out in Points (1) to (3) in paragraph 6 on pages 345 and 346 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the application reproduced in the first paragraph of the present *Opinion*]. On 8th December 1956, by which time only one Member of the Commission had returned his completed copy of the foregoing Voting Paper, a letter, dated 4th December 1956, was received in the Office of the Commission from Dr. Charles Vaurie, the applicant in the present case, drawing attention to the fact that the situation in regard to the "Horniman Pamphlet" had been completely transformed by the action of Captain C. H. B. Grant in republishing the text of the "Horniman Pamphlet" in the *Annals and Magazine of Natural History* and submitting revised proposals to meet the situation so created. The communication so received is reproduced in the immediately following paragraph.

21. Revised application submitted by Dr. Charles Vaurie in December 1956 : On 4th December 1956 Dr. Charles Vaurie, by whom the question of the so-called "Horniman Pamphlet" had first been brought to the attention of the International

Commission, submitted the following Supplementary Application, to which reference has been made in paragraph 20 above :—

Revised application relating to the names for certain birds included in the so-called "Horniman Pamphlet"

By CHARLES VAURIE

(*The American Museum of Natural History, New York*)

(Supplementary Application dated 4th December, 1956.)

The purpose of the present application is to ask the International Commission on Zoological Nomenclature to accept a slight modification in the application for the rejection for nomenclatorial purposes of the so-called "Horniman Pamphlet" which I submitted in October, 1955 and which was published in May, 1956 (*Bull. zool. Nomencl.* **11** : 344—346). This modification is, in my opinion, essential in view of the action taken in this case by Captain C. H. B. Grant described in paragraph 3 below which completely alters the situation in this matter and which, unless taken note of by the Commission, would entirely stultify the purpose of the application submitted in this case.

2. Without going over again the whole ground in detail, it may be convenient to recall that in my application I asked the International Commission to use its Plenary Powers to suppress the "Horniman Pamphlet" for nomenclatorial purposes. I explained in my application (1) that there was a strong presumption that the "Horniman Pamphlet" (a 4-page leaflet bearing no evidence as to where or by whom it was printed or as to how it had been distributed) had never been duly "published" for the purposes of the *Règles*, (2) that this pamphlet was extremely rare and virtually unknown, and (3) that the names in it had been consistently ignored by later workers.

3. The development which has occurred in this case which appears to me to be extremely unfortunate at a time when this matter was on the point of being placed before the Commission is the action of Captain Grant in publishing the text of the "Horniman Pamphlet" (1956, *Ann. Mag. nat. Hist.* (12) **9** : 366—368), for, whatever may have been the status of the names in this pamphlet up to the time of this ill-judged action, there cannot be any doubt that as a result of that action the names in question have now acquired the status of availability. Grant states that "Horniman died during the 1939—1945 war" and it is clear from Grant's paper that the responsibility for the publication of these names in 1956 rests exclusively with himself. Accordingly, the names which have now become available names as the result of Grant's action, rank for priority from 1956 and not from

1940 and are attributable to Grant and not to Horniman. Grant adds that "the type specimens are at present in the private collection of Mr. C. M. N. White", but there is nothing in Grant's paper to suggest that he had been in contact with Mr. White on the subject.

4. My objections to the acceptance of the names in the "Horniman Pamphlet" are as strong as ever and indeed have been intensified by the development described above. I therefore, ask the Commission to accept as a modification of my original application the following recommendation, namely that instead of using its Plenary Powers to suppress the "Horniman Pamphlet" as a whole (thereby rendering invalid the Horniman names for all purposes), it should use those Powers to suppress each of the new names in that pamphlet for the purposes of the Law of Priority but not for those of the Law of Homonymy. The effect of this modification will be to render invalid as junior homonyms the names published by Grant in 1956 when he published the text of the "Horniman Pamphlet" and thus to restore the position, as it existed at the time when this case was laid before the Commission for decision.

22. Decision to withdraw Voting Paper V.P.(56)45 and other Procedural Decisions taken in December 1956 upon the receipt of the Revised Application then submitted by Dr. Vaurie : Upon the receipt of Dr. Vaurie's Revised Application (paragraph 21 above) immediate consideration was given by the Secretary to the question of the procedure to be adopted in the new situation so disclosed. Mr. Hemming took the view that in the circumstances this case ought to be re-submitted to the International Commission before a final decision was taken by it thereon. In reaching this conclusion, Mr. Hemming was influenced also by a communication (paragraph 24 below) which in the meantime he had received from the Standing Committee on Ornithological Nomenclature set up by the Tenth International Ornithological Congress at its meeting held at Upssala in 1950. On 8th December 1956 Mr. Hemming executed a Minute in which he gave instructions that the Voting Paper (V.P.(56)45) in regard to this case which had been issued on 30th November 1956 (paragraph 20 above) be withdrawn in order to permit of an opportunity being given to the International Commission to re-examine the issues involved in the light of the Revised Application received from Dr. Vaurie and of the representations submitted on behalf of the Standing Committee on Ornithological Nomenclature. At the same time Mr. Hemming decided that in

the circumstances it was desirable that an effort should be made to locate the type specimens of the nominal taxa established in the "Horniman Pamphlet" as published in 1940 and as re-published by Captain Grant in 1956, all of which it had been stated in that "Pamphlet" were at that time "in the private collection of Mr. C. M. N. White". Captain Grant had stated in his paper of 1956 that Horniman had died during the war of 1939-1945 and it was evident therefore the only hope of obtaining information regarding the present whereabouts of the type specimens concerned would be to establish contact with Mr. White himself. Mr. Hemming decided to investigate the position as regards Horniman's type specimens forthwith. He decided further that the submission of a Report to the Commission on the developments which had occurred in this case should be postponed for a short time in the hope that it might be possible to include in it information on the above subject.

23. Comments received after the preparation of Voting Paper V.P.(56)45 and before the issue of a Report by the Secretary in regard to the withdrawal of the above Voting Paper : In the period between the preparation of Voting Paper V.P.(56)45 and the submission by the Secretary (on 28th March 1957) of a Report on the withdrawal of that Voting Paper seven further communications in regard to this case were received in the Office of the Commission. Of these communications one was a statement prepared by the Standing Committee on Ornithological Nomenclature which was signed by four members, of whom two (Miller ; Stresemann) had already submitted separate comments to the Commission (paragraphs 8 and 14 above). In this statement the Standing Committee affirmed its agreement with Dr. Vaurie as to the need for the elimination of the names introduced in the "Horniman Pamphlet" in 1940 and offered certain observations on the action which, in the opinion of the Committee it was desirable should be taken in the light of the action taken by Captain C. H. B. Grant in 1956 in publishing the text of the above "Pamphlet" in the *Annals and Magazine of Natural History*. The communication so received from the Standing Committee is reproduced in the immediately following paragraph (paragraph 24). The remaining six specialists also supported the proposal submitted by Dr. Vaurie. These specialists wrote to the Office of the Commission from the

following countries : Belgian Congo ; Germany ; Kenya ; United Kingdom ; Union of South Africa ; U.S.S.R. The communications so received are reproduced in paragraphs 25 to 30 below.

24. Statement prepared by the Standing Committee on Ornithological Nomenclature : On 3rd December 1956 there was received in the Office of the Commission the following statement in which the Standing Committee on Ornithological Nomenclature established by the Tenth International Ornithological Congress at its meeting held at Uppsala in 1950 affirmed its support for the application submitted by Dr. Vaurie in 1955 (reproduced in the first paragraph of the present *Opinion*) and offered certain observations on the action which, in its opinion, it was desirable should be taken in the light of the action taken by Captain C. H. B. Grant in 1956 in publishing the text of the "Horniman Pamphlet" in the *Annals and Magazine of Natural History* :—

The Committee is in agreement with Dr. Vaurie as regards the suppression for all nomenclatorial purposes of Horniman's pamphlet and wants strongly to support his application. However, it is inadvisable to suppress a work issued so recently (1940) without a very strong evidence about the necessity of such a procedure, and in this respect the application is open to certain objections. There is not quite satisfactory evidence for the statement that the pamphlet is "not published" (according to the requirements of Article 25 of the *Règles*) and that it is "excessively rare". Further, it should not be impossible to obtain some information about this elusive Mr. Horniman, if he is not a fictitious person or the name a pseudonym.¹

However, further information is not necessary any longer, since, after the publication of Dr. Vaurie's application, Horniman's pamphlet has been published in *The Annals and Magazine of Natural History*,

¹ The possibility that the name "R. B. Horniman" might have been a pen-name adopted for the purpose of printing the pamphlet here in question had previously been brought to the attention of the Office of the Commission by Mr. John G. Williams (*The Coryndon Museum, Kenya Colony, East Africa*) (paragraph 25 below) on the basis of certain information previously supplied to him by the late Mr. R. H. Greaves of Cairo. The information which has since been furnished by Mr. C. M. N. White (*Lusaka, Northern Rhodesia*) (paragraph 31 below), coupled with the statement made by Captain Grant in the paper published in 1956 that "Horniman died during the 1939—1945 war", disposes completely of the suggestion that the name "R. B. Horniman" might have been no more than a pen-name.

series 12, vol. 9, no. 101, pp. 366—368, May 1956, on the request of Captain C. H. B. Grant. In an appendix (: 368) Grant states that both Mr. A. C. Townsend, Chief Librarian of the British Museum (Natural History) as well as Grant himself is of the opinion that Horniman's pamphlet "cannot be considered as having been published". In the opinion of the Standing Committee on Ornithological Nomenclature this statement together with that of Dr. Vaurie is satisfactory evidence for considering Horniman's pamphlet not duly published. Grant adds that "Horniman died during the 1939—45 war". The unwise and unnecessary publication of Horniman's dubious pamphlet in a scientific journal makes the new names valid from May 1956, provided that the original pamphlet is suppressed, as applied for by Dr. Vaurie and recommended by the Standing Committee.

As far as the publication of the pamphlet in question in 1956 in the *Ann. Mag. Nat. Hist.* is concerned, it is recommended by the Standing Committee that the new names should not be credited Horniman, but should be attributed to C. H. B. Grant, on account of : (1) the uncertainty attached to the identity of Horniman, according to the conclusion 14, 1(b) in 1950, *Bull. zool. Nomencl.* 4 : 214 dealing with names "published after 1950, anonymously or on a pseudonym or initials only, are unavailable until republished by an author whose name is stated" ; (2) The paper being a new publication, not a republication (provided Horniman's pamphlet of 1940 is "not published"), and being published without the co-operation of Horniman ; (3) The paper being published on the responsibility of Grant.

We also note that the two new species names do not fulfil the requirements of Proviso (c) to Article 25 of the *Règles* as amended by the 1948 Paris Congress, according to which names published after 1930 must be followed by a statement indicating differentiating characters for the species (cf. 1953 *Copenhagen Decisions zool. Nomencl.*: 61, paragraph 109).

FINN SALOMONSEN, *Zoologisk Museum, Copenhagen* ;

GEORGE C. A. JUNGE, *Rijksmuseum van Natuurlijke Historie,
Leiden* ;

ALDEN H. MILLER, *Museum of Vertebrate Zoology, University of
California, Berkeley, California, U.S.A* ;

ERWIN STRESEMANN, *Zoologisches Museum der Universität,
Berlin.*

25. Support received from J. G. Williams (The Coryndon Museum, Nairobi, Kenya) : On 28th November 1956 Mr. J. G.

Williams (*The Coryndon Museum, Nairobi, Kenya*) addressed the following letter to the Office of the Commission in support of the present case :—

I entirely support Dr. Vaurie's application that the International Commission on Zoological Nomenclature be asked :—

(1) to use its Plenary Powers to suppress for nomenclatorial purposes the 4-page pamphlet by R. B. Horniman entitled "Preliminary Descriptions of some New Birds" and bearing the date "January 1940";

(2) to place the title of pamphlet specified in (1) above, as there proposed to be suppressed under the Plenary Powers, on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature*;

(3) to place the specific names included in the above pamphlet on the *Official Index of Rejected and Invalid Specific Names in Zoology* as being names possessing no status either under the Law of Priority or under the Law of Homonymy.

It is my opinion that the pamphlet cannot be classified as "published" as it has never been made generally available to ornithologists and copies have not been deposited (a) in the British Museum Library, Bloomsbury, and (b) in the University of Cambridge Library; therefore the new names in it possess no status in zoological nomenclature.

As a matter of interest I first heard of the existence of this pamphlet from the late Mr. R. H. Greaves of Cairo during the war years—about 1942. In conversation he suggested that the pamphlet was a hoax². What grounds he had for this supposition I do not know but so far as I can recollect I believe that he had information that the person "R. B. Horniman" named as author did not exist! As no notice was taken of the pamphlet by the B.O.U. Committee preparing the "Checklist of the Birds of Great Britain and Ireland" and as it was not noticed in the *Zoological Record* I have been under the impression that the pamphlet was generally accepted as being a hoax.

26. Support received from J. P. Chapin (Bukavu, Belgian Congo): On 24th November 1956 Dr. J. P. Chapin (*Bukavu,*

² See Footnote 1 above.

Belgian Congo) addressed the following letter of support to the Office of the Commission :—

From Dr. Charles Vaurie I have just received a separate on the "Proposed Suppression . . . of a pamphlet by R. B. Horniman . . . January 1940", Z.N.(S.) 782. I agree entirely with Dr. Vaurie as to the need to reject the names proposed in it by Horniman, and have already stated (1954, *Bull. amer. Mus. nat. Hist.* 75B : 767) that the pamphlet was "not properly published. See *Ibis*, 1940, p. 578".

As I recall it, Mr. C. M. N. White had a collection of bird skins in Great Britain under the care of his sister. Horniman asked to see the collection and then without any approval from Mr. White he proceeded to describe 14 new forms. . . . most of the supposed new forms could surely not be valid, and the pamphlet was never distributed to any reasonable number of ornithologists. Mr. White may know more about Horniman ; I do not.

I trust the International Commission will agree with Vaurie and me, as I am sure Mr. C. M. N. White does, and that Horniman's pamphlet will be rejected *in toto*.

27. Support received from G. Dementier (Moscow, U.S.S.R.) : On 26th November 1956 Professor G. Dementier (*Moscow, U.S.S.R.*) addressed the following letter to the Office of the Commission in support of the present application :—

Je viens d'étudier la proposition du Dr. Ch. Vaurie concernant la suppression de la valeur de nomenclature de l'article de Horniman "Preliminary Descriptions of some New Birds", 1940.

Il parait certain que cet article ne fut jamais dûment publié et ne fut pas accessible au public. C'est pourquoi je soutiens la proposition du Dr. Vaurie. Le travail de Horniman est aussi à insérer dans *Official Index of Rejected and Invalid Works in Zoological Nomenclature*.

28. Support received from P. A. Clancey (Museum and Art Gallery, Durban, South Africa) : On 3rd December 1956 Dr. P. A. Clancey (*Museum and Art Gallery, Durban, South Africa*) addressed the following letter of support to the Office of the Commission :—

Dr. Charles Vaurie of the American Museum of Natural History has written to me under date September 26th, drawing my attention

to an application which he has made in respect of new racial names proposed by a Mr. R. B. Horniman in a pamphlet entitled "Preliminary Descriptions of some New Birds", and bearing the date January, 1940.

After reading the arguments presented by Dr. Vaurie, I feel inclined to support his view that this pamphlet was never published in accordance with the requirements of the *Règles*. In the circumstances I would support the Commission in its suppression of the aforementioned pamphlet for nomenclatorial purposes.

29. Support received from K. Williamson (Fair Isle Bird Observatory, Scotland) : On 8th December 1956 Dr. K. Williamson (*Fair Isle Bird Observatory, Scotland*) addressed the following letter of support to the Office of the Commission :—

My attention having been drawn to the article by Charles Vaurie concerning the "Proposed suppression for nomenclatorial purposes under the Plenary Powers of a pamphlet by R. B. Horniman entitled "Preliminary Descriptions of some New Birds and bearing the date January, 1940" in the *Bulletin of Zoological Nomenclature*, vol. 11, pt. 11 (May 1956). May I say that I am in entire agreement with the course proposed therein and express the hope that the Commission will see fit to use its Plenary Powers for the suppression of the pamphlet in question.

30. Support received from D. Kumerloev (Osnabrück, Germany) : On 25th January 1957 Dr. D. Kumerloev (*Osnabrück, Germany*) wrote the following letter of support to the Office of the Commission :—

Dr. Charles Vaurie wrote to me regarding the zoological names of R. B. Horniman in order to suppress them. Will you please accept my vote for this proposal of Dr. Vaurie's, which is necessary and correct in my opinion.

31. Information on various issues raised by the so-called "Horniman Pamphlet" furnished in January 1957 by C. M. N. White (Lusaka, Northern Rhodesia) : In accordance with the Procedural Decisions described in paragraph 22 of the present *Opinion*, Mr. Hemming, as Secretary, on 27th December 1956,

addressed a letter of enquiry to Mr. C. M. N. White, the specialist in whose private collection, according to a statement in the so-called "Horniman Pamphlet", were preserved the type specimens of the nominal taxa established in that leaflet. In this letter, after referring to Dr. Vaurie's application for the suppression of the new names introduced in the foregoing leaflet, to the re-publication of that leaflet by Captain Grant in 1956 and to the Revised Application (paragraph 21 above) which in consequence Dr. Vaurie had now submitted to the Commission, Mr. Hemming enquired: (1) whether there was or ever had been, such a person as "R. B. Horniman" or whether, as had been suggested to the Commission by a correspondent,³ that name was a mere pen-name; (2) whether, as had been suggested by another correspondent,⁴ the names of the new nominal taxa established in the "Horniman Pamphlet" and there stated to have been based upon specimens in his (Mr. White's) collection had been named in the above leaflet without his permission; and (3) whether any, and, if so, which of Horniman's type specimens were preserved in his collection. On 20th January 1957 Mr. White addressed a reply to the Office of the Commission, in which he stated (a) that there had been such a person as "R. B. Horniman", (b) that he had given Horniman permission to examine his collection of birds in England at a time when he (Mr. White) was in Africa but that the names given by Horniman to specimens in his collection had been given without his (Mr. White's) permission, and (c) that he had long since dispersed his collection to museums in various parts of the world and did not now possess any of the specimens which had presumably been taken by Horniman as type specimens for the nominal taxa established in the so-called "Horniman Pamphlet". Mr. White's letter was as follows:—

Letter from C. M. N. White dated 20th January 1957

I was not aware that Captain Grant had published the text of the Horniman Pamphlet. If I had, I should have quickly pointed out that none of these types are in my collection, and that Grant's statement

³ See Footnote 1 and paragraph 25 above.

⁴ See paragraph 26 above.

to this effect is quite incorrect. No doubt the names were founded mainly upon specimens in my collection, but none were ever marked as types, and the specimens have long since been dispersed to various museums including the British Museum and the museums at Tervuren, Stockholm, Chicago, Oxford and New York.

You are probably not aware that from 1938 to 1947 I was continuously in Africa and unable to take leave in England owing to the war. Horniman is only one of many people whom I had known prior to 1938 and with whom I lost touch during this period. I corresponded with the late C. B. Ticehurst about the validity of this pamphlet and in his view it had clearly never been published within the meaning of the Rules. It was for this reason that I ignored it in subsequent work on Northern Rhodesia birds. When I returned to England in 1947 I examined the birds which had been stored in England during my absence and none of them had any notation on the labels that they were intended to be the types of birds named in the pamphlet.

It is quite correct that the names were given to specimens which in some cases must have been in my collection, without my permission.

The following birds redescribed or more correctly described and correctly published which are evidently the same as those mentioned in the pamphlet :—

Pycnonotus tricolor vaughanjonesi (*Ibis*, 1944, p. 146) “ Mwinilunga ”

From later work it is clear that this is not worth recognising as distinct from *tricolor*. It is what was named *Pycnonotus tricolor limes* in the pamphlet.

Anthoscopus caroli winterbottomi (*Ibis*, 1946, p. 101) “ Mwinilunga ”

This is currently regarded as a good race. It is what was named *Anthoscopus pygmaea* in the pamphlet.

Serinus mozambicus samaliyae (*Bull. B.O.C.* 1947, 68. p. 11) “ Pempele pool ”

This is currently regarded as a good race. It is what was named *Serinus mozambicus intensus* in the pamphlet.

I should strongly support Vaurie in suggesting that all the names which Grant has now published be totally rejected. If they are allowed to stand as from 1956 they will merely be synonyms and none will be currently recognised as denoting a valid race. I consider it was most reprehensible of Grant to validate these names as from 1956.

As regards the seven names from Scotland, Belgian Congo and Kenya/Abyssinian border ; the Scottish birds could have been described from material in my collection. This Scottish material is now all in the American Museum of Natural History, New York, as I gave it to Vaurie when he embarked on his Palaearctic checklist. The birds described from the Belgian Congo and Kenya/Abyssinian border can never have been in my collection as I have never possessed such specimens.

In view of the fact that the late Dr. Ticehurst informed me that there appeared to be no grounds whatever for supposing that this pamphlet had any valid effect as a published work, I have never given it further thought until Vaurie brought up the point. I feel very strongly that the International Commission on Zoological Nomenclature should declare that the original pamphlet has no validity as published names. Captain Grant's action can then be considered separately. I should favour suppressing these names as published by him too. If, however, the names are to stand as from his publishing he will have to sort out the problem of the types. Since he is well aware that a large part of my collection is now in the British Museum, it seems strange that he did not ask me whether this material might include any of these types since he was under the impression that some of the types were in my collection. I should like to make it completely clear that none of these types are in my collection and that none of my specimens were ever marked as types of these names and that all the specimens which could possibly have served as the types were dispersed long before Grant validated these names in 1956.

I am sorry that this very sterile subject is wasting so much time and hope that the Commission will reject all the names proposed in the pamphlet.

32. Submission to the Commission by the Secretary in March 1957 of a Report on the developments which had occurred in the present case since November 1956 : The letter received from Mr. White (reproduced in the immediately preceding paragraph) provided information on all those aspects of the "Horniman Pamphlet" case on which particulars were lacking at the time when in December 1956 he executed a Minute withdrawing the Voting Paper on this case which had been issued at the end of the previous month, in order to permit of the examination by the Commission of the new situation disclosed in the Revised Application then received from Dr. Vaurie. Accordingly on 4th March 1957 Mr. Hemming prepared for the consideration

of the Commission a Report in which (a) he notified the Commission of withdrawal in December 1956 of Voting Paper V.P.(56)45 consequent upon the receipt of Dr. Vaurie's Revised Application, (b) gave a resumé of the situation disclosed in the original application and of the development of that situation brought to light in Dr. Vaurie's Revised Application, (c) provided (in paragraph 9) a list of the proposals which in the latter application Dr. Vaurie had submitted to the Commission for approval. The Report so prepared by Mr. Hemming was as follows :—

Revised Proposal received from Dr. Charles Vaurie in regard to the status to be accorded to the names for certain birds which appeared originally in 1940 in a four-page leaflet commonly known as the "Horniman Pamphlet"

Report by FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission for Zoological Nomenclature)

The present paper is submitted by reason of a development which has occurred in connection with an application submitted to the International Commission in 1955 by Dr. Charles Vaurie (*The American Museum of Natural History, New York*) in regard to the status to be accorded to the names for certain new nominal taxa of birds which were included in a four-page leaflet commonly known as the "Horniman Pamphlet" (Vaurie, 1956, *Bull. zool. Nomencl.* **11** : 344—346). The development referred to above has been brought to the attention of this Office by Dr. Vaurie, who in doing so has expressed a desire to make a small modification in the application which he had submitted in this case in order to meet the situation created by the development referred to above. On receipt of the above communication I took the view that this case should be resubmitted to the Commission before a final decision is taken thereon and, as Secretary, I therefore executed a Minute withdrawing Voting Paper V.P.(56)45 issued to the Commission on 30th November 1956. A brief summary of this case, together with particulars of the development which has now occurred and of certain additional information which I have since obtained, is given in the following paragraphs.

2. The substance of the case as submitted by Dr. Vaurie in 1955 may be summarised as follows :—

- (1) There are in existence a few copies of a four-page leaflet bearing the title "Preliminary Descriptions of some New Birds", the attribution "R. B. Horniman" and the date "January 1940".

- (2) The above pamphlet bears no indication of where or by whom it was printed or as to the method by which it was distributed.
- (3) Fourteen new names are introduced in the "Horniman Pamphlet". Of these, four relate to birds obtained in Northern Rhodesia, four in the Belgian Congo, one on the Kenya-Abyssinia border, and five in Scotland and the Hebrides.
- (4) The introductory paragraph of this "Pamphlet" reads as follows :—

"I am much indebted to Mr. C. M. N. White for kindly giving me access to his collection of birds, especially his extensive recent material from Northern Rhodesia and the Belgian Congo. As a result I am putting forward these preliminary diagnoses of new birds mostly from tropical Africa. Mr. White has kindly allowed me to publish these notes without prejudice ; the responsibility for them is of course, my own. The sudden outbreak of war has made it necessary to publish them as a separate pamphlet instead of through one of the more usual channels."

- (5) Dr. Vaurie stated in his application that for the reasons there given, it appeared to himself and also to Dr. James P. Chapin, with whom he had discussed the matter, that there was "a strong presumption that this pamphlet was never duly 'published' within the meaning of Article 25 of the *Règles* and therefore that the new names in it possess no status in zoological nomenclature." Dr. Vaurie added that it had been found impossible to make contact with Mr. Horniman, the sole authority who could have provided definite evidence on the question of "publication" or even to ascertain whether he was alive. Further, it had been impossible to obtain any definite information from Mr. White, whose name was mentioned in the introduction to the pamphlet (see (4) above).
- (6) Dr. Vaurie went on to state in paragraph 4 that, so far as he had been able to ascertain, "all these names have been ignored by later workers", that he was "entirely in favour of the rejection of the new names in this pamphlet" but considered that this rejection should be based upon a decision by the International Commission, to which body he had therefore decided to submit the case (paragraph 5).

(7) For the foregoing reasons Dr. Vaurie asked the Commission to use its Plenary Powers to suppress the "Horniman Pamphlet" for nomenclatorial purposes and to place the new names included in it on the *Official Index of Rejected and Invalid Specific Names in Zoology*.

3. The publication of Dr. Vaurie's application and the issue of the accompanying Public Notices aroused an exceptionally wide interest among ornithologists, communications being received from no less than twenty-three workers in different parts of the world. Of these twenty-one supported the action recommended by Dr. Vaurie, only two expressing opposition to that course. Details are given in Annexe 1 to the present paper.

4. It was at this point that the Voting Paper referred to in paragraph 1 above was issued to the Commission. Shortly after the issue of that Voting Paper I received a letter dated 4th December 1956 from Dr. Vaurie in which he drew attention to the fact that the text of the "Horniman Pamphlet" had been published by Captain C. H. B. Grant (1956, *Ann. Mag. nat. Hist.* (12)9 : 366—368). Dr. Vaurie pointed out that as the result of this action the "Horniman" names, the rejection of which it had been his object to secure, had now been made public in conditions which certainly satisfied the requirements of the *Règles* in the matter of "publication". Dr. Vaurie noted that Captain Grant had stated in his paper that "Horniman died during the 1939—1945 war" and expressed the view that it was clear that the responsibility for the publication of the "Horniman Pamphlet" in 1956 rested exclusively with Captain Grant. Dr. Vaurie noted also that, according to Captain Grant, the type specimens of the new nominal taxa named in the "Horniman Pamphlet" were "at present in the private collection of Mr. C. M. N. White" but that there was nothing in Captain Grant's paper to suggest that he had been in contact with Mr. White on this subject. Dr. Vaurie concluded by reiterating his objection to the acceptance of the names put forward in the "Horniman Pamphlet" and submitted revised proposals designed to secure their permanent rejection. Dr. Vaurie's letter is reproduced in Annexe 2 to the present paper.

5. It was upon the receipt of the foregoing communication that, as Secretary, I took the view that a new situation had been created and that I accordingly withdrew the Voting Paper which had been issued in this case. I did not, however, immediately report this matter to the Commission, for I considered that, before doing so, it was desirable that an effort should be made to ascertain the whereabouts of the specimens which as the result of Captain Grant's action had now become the holotypes of the fourteen nominal taxa, new names for which had been published by him when he made public ("divulgué dans une publication" in the words of the *Règles*) the text of the "Horniman Pamphlet". In view of the introductory words in that pamphlet,

quoted in paragraph 2 (4) above and of the categorical statement in Captain Grant's paper, to which attention has been drawn by Dr. Vaurie, I decided to make application to Mr. C. M. N. White, in whose collection Mr. Horniman, and quite recently Captain Grant, had stated that the specimens in question were preserved. At the same time I repeated to Mr. White the request previously made by Dr. Vaurie that he would be so kind as to furnish any information which he might possess regarding the circumstances in which specimens in his collection came to be taken as types for new nominal taxa by Mr. Horniman and descriptions of these taxa included in the "Horniman Pamphlet". I drew attention also, to the fact that the text of that pamphlet had recently been published by Captain Grant and therefore that, even if the pamphlet of 1940 possessed no status in nomenclature, the new names in question had certainly been given such status by Captain Grant. Mr. White in a letter dated 20th January 1957 has very kindly responded to the invitation addressed to him in this matter, furnishing information on the matters raised in my letter and throwing new light of a most instructive kind on the circumstances of this peculiar case. Mr. White's letter is attached to the present paper as Annexe 3.

6. The salient points in Mr. White's letter are the following :—

- (1) Captain Grant did not consult Mr. White before he published the text of the "Horniman Pamphlet".
- (2) If Mr. White had been approached on this subject, he would have informed Captain Grant that none of the "Horniman" "types" were ever marked by Horniman as such, and that the specimens had long since been dispersed to various museums.
- (3) Horniman was "only one of many people whom" Mr. White "had known prior to 1938 and with whom" he "had lost touch during" the period "from 1938 to 1947".
- (4) On the question of "publication" Mr. White writes :—"I corresponded with the late C. B. Ticehurst about the validity of this pamphlet [i.e. the "Horniman Pamphlet"] and in his view it had clearly never been published within the meaning of the Rules. It was for this reason that I ignored it in subsequent work on Northern Rhodesia birds."
- (5) Mr. White states :—"I should strongly support Vaurie in suggesting that all the names which Grant has now published be totally rejected. I consider it most reprehensible of Grant to validate these names as from 1956 . . . I am sorry that this very sterile subject is wasting so much time and hope that the Commission will reject all the names proposed in this pamphlet."

7. The point brought out in Mr. White's letter which appears to me to be of particular relevance at the present stage is that the specimens which were taken by Horniman as the types of the taxa named in his "Pamphlet" and which are also the types of the corresponding nominal taxa established by Captain Grant in 1956 when he published the text of that "Pamphlet" are no longer in Mr. White's collection, having "long since been dispersed to various Museums", that none of the specimens in his collection had ever had "any notation [by Horniman] that they were intended to be the types of birds named in the pamphlet" and therefore that the tracing of these specimens would offer serious, if not insuperable, difficulties.

8. The proposal now submitted by Dr. Vaurie (Annexe 2) is that, in place of using its Plenary Powers to suppress for all nomenclatorial purposes the "Horniman Pamphlet" and the new names in it, the Commission should use those Powers in a somewhat more restricted fashion which however, would secure the permanent rejection of the names in question. Under the revised proposal now brought forward by Dr. Vaurie, the Commission is no longer asked to suppress the "Horniman Pamphlet" as such, being asked only to suppress the new names in it for the purposes of the Law of Priority but not for those of the Law of Homonymy. The effect and purpose of Dr. Vaurie's revised application is to secure the permanent rejection both of the Horniman names of 1940 (through their suppression under the Plenary Powers) and of the duplicate names published by Grant in 1956 (as being junior homonyms of the earlier Horniman names). Under Dr. Vaurie's proposal the Commission is not asked to reject the "Horniman Pamphlet" as such, for under that proposal that "Pamphlet" would remain available for the purposes of the Law of Homonymy.

9. Dr. Vaurie's revised proposal is therefore that the International Commission should :—

- (1) use its Plenary Powers to suppress for the purposes of the Law of Priority but not for those of the Law of Homonymy each of the fourteen new specific (including subspecific) names included in the so-called "Horniman Pamphlet" ;
- (2) to place the under-mentioned names on the *Official Index of Rejected and Invalid Specific Names* :—
 - (a) the fourteen new names, as of Horniman 1940, included in the "Horniman Pamphlet" as listed in paragraph 6(3) of Dr. Vaurie's original application, each entry to be endorsed as specified in (1) above ;

- (b) the corresponding names as of Grant, 1956, each such entry to be endorsed that the name concerned is invalid as being a junior homonym of the same name as included in the "Horniman Pamphlet" of 1940.

10. The modification now made by Dr. Vaurie in his proposals in regard to this case does not involve a fresh issue of Public Notices since the action under the Plenary Powers which he now recommends is more restricted in character than that recommended in his original application in respect of which such Notices have already been issued.

ANNEXE 1

List of authors who have furnished comments on the proposal for the rejection of the names in the so-called "Horniman Pamphlet" submitted by Dr. Charles Vaurie

[Note : This Annexe is not included here, since the comments referred to in it have already been reproduced earlier in the present *Opinion*. See paragraphs 6—19 and 24—30.]

ANNEXE 2

Revised application relating to the names for certain birds included in the so-called "Horniman Pamphlet"

By CHARLES VAURIE

(The American Museum of Natural History, New York)

Application dated 4th December 1956

[Note : Dr. Vaurie's Supplementary Application is not included here, since it has already been reproduced in paragraph 21 of the present *Opinion*.]

ANNEXE 3

Statement by Mr. C. M. N. White, regarding the circumstances attending the issue in 1940 of the so called "Horniman Pamphlet" and matters incidental thereto

Letter dated 20th January 1957

[Note : Mr. White's letter is not included here, since it has already been reproduced in paragraph 31 of the present *Opinion*.]

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

33. Issue of Voting Paper V.P.(O.M.)(57)2 : On 28th March 1957 a Voting Paper (V.P.(O.M.)(57)2) was issued, in which the Members of the Commission were invited to vote either for, or against, " the revised proposals submitted by Dr. Charles Vaurie in regard to the names for certain birds which first appeared in 1940 in the so-called ' Horniman Pamphlet ' and which in 1956 were re-published by Captain C. H. B. Grant, as set out in paragraph 9 of the Report bearing the Registered Number Z.N.(S.) 782 submitted by the Secretary simultaneously with the present Voting Paper " [i.e. in the paragraph numbered as above in the Report reproduced in paragraph 32 of the present *Opinion*].

34. The Prescribed Voting Period for Voting Paper V.P.(O.M.)(57)2 : As the foregoing Voting Paper was issued under the One-Month Rule, the Prescribed Voting Period closed on 28th April 1957.

35. Particulars of the Voting on Voting Paper V.P.(O.M.)(57)2 :
At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(O.M.)(57)2 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Lemche ; Riley ; Hering ; Sylvester-Bradley ; Cabrera ;
Miller ; Vokes ; Mayr ; Esaki ; Key ; Bonnet ; Prantl ;
Mertens ; Hemming ; do Amaral ; Kühnelt ; Holthuis ;
Dymond ; Jaczewski ; Bodenheimer ; Boschma ;
Bradley (J.C.) ; Stoll ; Tortonese ;

(b) *Negative Votes :*

None ;

(c) *Prevented from voting by interruption of postal communications consequent upon political disturbances, one (1) :*

Hankó ;

(d) *Voting Papers not returned :*

None.

36. Declaration of Result of Vote on Voting Paper V.P.(O.M.)(57)2 : On 29th April 1957, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the

Vote taken on Voting Paper V.P.(O.M.)(57)2, signed a Certificate that the Votes cast were as set out in paragraph 35 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

37. Preparation of the Ruling given in the present " Opinion " :

On 16th May 1957 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(O.M.)(57)2.

38. Original References : The original reference for the specific names placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* by the Ruling given in the present *Opinion* are as follows :—

(a) Names published by Horniman (R.B.) :

Horniman (R.B.), 1940, *Prelim. Descr. new Birds*, the page reference for each of the names concerned being as specified in paragraph 6(3) of the paper reproduced in the first paragraph of the present *Opinion* ;

(b) Names published by Grant (C.H.B.) :

Grant (C.H.B.), 1956, *Ann. Mag. nat. Hist.* (12)9, the page references for the names concerned being as follows :—

(a) page 366 for names previously published by Horniman in 1940 on page 1 of his pamphlet and for the first three names (*mwinihunga*, *hebridium* and *limes*) published on page 2 of that pamphlet ; (b) page 367 for the last name (*hebridensis*) previously published on page 2 of the

“ Horniman Pamphlet ”, for all four names published on page 3 of that pamphlet and for the first name (*intensus*) published on page 4 of that pamphlet ; (c) page 368 for the last three names (*pygmaea* ; *anonymus* ; *longipenne*) previously published on page 4 of the “ Horniman Pamphlet ”.

39. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

40. The present *Opinion* shall be known as *Opinion* Four Hundred and Eighty (480) of the International Commission on Zoological Nomenclature.

DONE in London, this Sixteenth day of May, Nineteen Hundred and Fifty-Seven.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING